

MINUTES LEESBURG PLANNING COMMISSION FEBRUARY 5, 2004

The February 5, 2004 Planning commission meeting was preceded by a presentation by Mr. Ed McMahon entitled "The Dollars and Sense of Preserving Community Character". In his presentation Mr. McMahon stressed the importance of constructing buildings that match the character of the community. He reiterated this with several examples in Virginia and other areas of the country.

The Leesburg Planning Commission met on Thursday, February 5, 2004 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Christopher Murphy, Brian Boucher, Susan Swift and Linda DeFranco.

CALL TO ORDER

The meeting was called to order at 7:35pm by Chairman Vaughan.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Vaughan
 Vice Chairman Werner
 Commissioner Bangert
 Commissioner Barnes
 Commissioner Dubé
 Commissioner Hoovler
 Commissioner Kennedy
 Mayor Umstatt

ADOPTION OF THE AGENDA

Commissioner Kennedy moved to adopt the agenda as presented:

Motion: Kennedy
Second: Hoovler
Carried: 7-0

ADOPTION OF MINUTES

Commissioner Kennedy moved to adopt the minutes of the January 15, 2004 meeting as submitted.

Motion: Kennedy
Second: Bangert
Carried: 7-0

CHAIRMAN'S STATEMENT

Chairman Vaughan asked that the Planning Commission keep in mind the integrity of the staff and their review of various developments. Guidance from the staff assists the applicants in their presentation process. This evening there will be several items on the Agenda. First a Petitioner's session designed to speak to the Commission on any subject that is not part of a public hearing on this agenda. Next, there will be a Public Hearing on Kentucky Fried Chicken. Then there will be Leesburg Central under the Subdivision and Land Development heading on the Agenda.

PETITIONERS

None

PUBLIC HEARING

SE 2002-12 – Kentucky Fried Chicken – Christopher Murphy, Senior Planner.

Mr. Murphy presented information on the subject property and proposed use. This application requires a Special Exception approval. He went on to present the history of the other applications for the same piece of property, stating that these uses were denied because of traffic impact. Mr. Murphy went on to show the Swept Path Analysis for the property along with some other challenges including buffer yard areas and parking.

Mark Nelis, representative for the applicant came forward and introduced Mr. Roland Dove of Spring Engineering.

Mr. Dove of Spring Engineering gave a presentation on the turning radius, mentioning that most trucks that would be delivering would be 40' trucks. According to his plans Fire and Rescue can easily access the building if the median is shortened and a part of the sidewalk around the building is not built. The decibel levels of the order box fall well within the required levels and they automatically lower at night. The site lighting levels will be reviewed again to make sure that foot candle level falls within regulations. Lastly, the travel lane can be altered if the building footprint is reduced in size which is presently under review.

Bharat Parikh came forward to address architectural plans. He stated that they are willing to modify the building to be more aesthetically pleasing. They are using a new type of speaker box that reduces the amount of time required to place an order and reduces the amount of sound projected. He did not believe that truck size would make a significant difference for the turning radius problem, that building modification could make it work.

Chairman Vaughan announced that the public hearing would begin after Commissioner questions.

Commissioner Dubé asked whether what was being presented is what the building would look like, or if there might be architectural changes. He also asked Mr. Murphy regarding the reply from Fire and Rescue that suggested a removal of 15' of median would allow a better turn radius for them. Mr. Dubé stated that would be unacceptable since it would let cars try to cross directly across three lanes of traffic to exit the area.

Commissioner Bangert asked if the applicants were given the opportunity to withdraw their application prior to tonight. She said it is difficult to vote on something that keeps changing constantly. The Swept Path Analysis variances, along with the building footprint changes make it difficult to even consider a vote.

Staff responded that yes, different plans had come in and really had not yet been evaluated, and that things are still changing to try and accommodate the turning radius problem along with buffer zones and building size. The applicant is not asking for a vote tonight since they are still working with all of the variables concerned.

Chairperson Vaughan asked if there is no vote tonight, will this application fall into the 10-day grace period for reconsideration. If the application changes to a significant extent what happens? Staff responded that it may not necessarily require another public hearing.

Susan Swift said that even though another public hearing is not required, any new submissions require review time. While every effort is made to adhere to the schedule, making changes does require the time for staff to review the changes and prepare a report for the Commission to review. This is why staff encourages applicants to bring the best and most complete plan at the public hearing stage.

Chairman Vaughan asked Maria Figueroa of Loudoun County Fire and Rescue to come forward and provide input on this application.

Maria Figueroa, a planner for the Fire and Rescue Department stated that her department had reviewed the plan and came to the conclusion that it would be extremely difficult for fire and rescue vehicles to enter the site and navigate to the building in the event of an emergency. Basically only perfect conditions would allow feasible entry to the site, meaning no cars parked, no cars in the drive through lane, no deliver trucks, no snow, etc.

Chairman Vaughan asked if a truck could get through the 13' travel lane left between the drive through lane and parking areas. Ms. Figueroa said that it would be tricky at best.

Commissioner Hoovler asked Mr. Dove about eliminating the sidewalks in front of the building. Mr. Dove responded that the sidewalk could either be dropped to asphalt level, or be completely eliminated. Mr. Hoovler said that doing this really didn't change the swept path analysis results. The difference between a 30' vehicle and 40' vehicle seem to be minimal in their impact on the turning radius. Mr. Dove responded that the 40'

vehicle is a tractor trailer that turns differently than a 30' box truck. Mr. Hoovler observed that the smaller the building, the less parking would be required.

Mayor Umstattd spoke about the By Right use of the property, which gives the applicant the right to put the standard type building in. She is very encouraged that Mr. Parikh has offered to review the architectural style of the building. She also asked if the A&W part of the building could be eliminated so that this is exclusively KFC. Mayor Umstattd asked about the fact that most restaurants now have pickup areas, but she would like to see some sitdown spaces in the restaurant. She thanked KFC for working on making the site as accessible and considering different architectural style.

Vice Chairman Werner asked about the refuse collection at the site. Is there enough room for the trucks to come in a empty the dumpsters. Mr. Murphy responded that, yes, there is enough room. She also asked how many parking spaces would be eliminated by the required 55' loading area. Mr. Murphy pointed out the loading space overlaid on the existing 40' space – it appears that it would take a significant amount of extra space and would make fire and rescue movement even more challenging. Ms. Werner also asked if a swept path analysis was done for fire and rescue vehicles. Creating significant delays could have catastrophic results.

Ms. Figueroa responded that there are definite problems with accessing the site from Edwards Ferry Road but they would do whatever necessary to get in.

Chairman Vaughan expressed some concern about response time with regard to traffic patterns in the area.

Mayor Umstattd said that she sees the same tight turns at the Bellewood Commons shopping area. It is not necessary for an ambulance to get right up to the door.

Vice Chairman Werner expressed concern that this would not be ready for proper review by the next meeting and asked that the application not be rushed. She was glad to see that other architecture is being considered, and also said that there are other, better sites available in town. Her foremost concern is for the safety of the citizens and she feels that this site still holds some safety problems.

Commissioner Kennedy said he is ready to vote on this application this evening and has been for quite a while. The issue of concern is transportation. Council turned down Tires Plus 5-1 because of transportation issues that would have generated 1/10 of the traffic that the current application will generate. While focus seems to be on inches of turning radii, it should be traffic impact on the area. Staff presented all of the issues and it should be obvious what the detriment is to the area. The Commission and Council should be learning from past mistakes, not using them as excuses. Why, after 17 months, is the applicant still submitting changed plans. This has not been held up by the Commission or the staff. Chairman Vaughan asked Mr. Kennedy to please direct his questions to the staff. Mr. Kennedy then asked if the proposed application would generate ten times the traffic that the previous applications would have. Mr. Murphy gave information that

indicated that, yes, there would be over ten times the traffic. Mr. Kennedy asked when the architectural changes were submitted. Mr. Murphy responded that they were submitted today. How about the 30' vs. 40' truck length. That information came in yesterday. Mr. Kennedy stated once again that vital information was being submitted just prior to public hearing and without allowing time for proper review.

Commissioner Barnes asked, as the building stands right now, will it work? Mr. Murphy answered that there were still some very major concerns. Mr. Barnes asked if they changed the size of the building, would that improve some of the issues. It could.

Commissioner Vaughan stated that the public hearing time limit would be five minutes with a warning bell at one minute.

William Wayland of 114 Carnaby Way, NE requested that plats be made a part of the staff report in order for citizens to get a better feel for the layout. During Town Plan sessions of last year, one of the questions raised was "What does Leesburg have today that we don't like?" One of the answers was the Sheetz Development. The traffic pattern in the area is terrible. Moving in and around the businesses in the area is near impossible. Adding the KFC movement into this traffic pattern is not a good idea. He does not support the application and hopes that there may be some improvements made to the area.

Jennifer Rosen, the apartment Manager for Glenn Apartments came forward to express concern about the application. She stated that the fence that is currently there was for crime reduction purposes. The wall would serve the area well. The increase in traffic and activity at this site will definitely have a negative impact on those apartments that overlook the site.

William Zawacki, 1107 Rollins Drive, SW, addressed the Commission as a former member of the Commission. He reiterated the denial of Tires Plus because of the increased traffic that it would generate. While the Tires Plus application met the regulations, this application does not. If this application doesn't agree to meet the buffering requirements, there is no choice but to deny this application. Council can override it. Another area that should be considered is that when the parking lot is half full, a fire emergency will create a traffic jam that will prevent fire equipment from getting near the building. All parking spaces require backing into the traffic lane. Staff has reported that the lot size is .86 acres. The required lot size in a B-3 district is 1 acre. The lot does not meet the requirements to begin with. Cutting the appropriate lane for entry will further reduce the lot size.

Chairman Vaughan closed the public hearing at 9:10pm. He reminded citizens that they had the next ten days to make any comments or ask any questions regarding the application.

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Commissioner Dubé stated that according to the Bylaws, the Commission had the right to waive the ten days and vote on the application tonight. He made the motion to waive the ten day waiting period and vote on this application tonight.

The motion was seconded by Commissioner Kennedy.

Commissioner Bangert asked Ms. Figueroa if the size of the building shrinks, will this change the turning radius required for Fire and Rescue. She responded that she would have to re-evaluate the plans with the changes indicated.

Commissioner Werner asked Commissioner Dubé what his reasoning was for the motion to vote on this tonight. He responded that once the vote was taken, he would provide his commentary on the reasoning.

Mayor Umstattd cautioned that the town attorney probably should be present to advise if this is a wise move to vote on this at this time.

Chairman Vaughan stated that the motion is on the floor and has been properly seconded. With no further discussion, he called for the vote.

A roll call vote was taken as follows:

Barnes	Nay
Kennedy	Aye
Werner	Nay
Vaughan	Nay
Hoovler	Nay
Bangert	Aye
Dubé	Aye

The motion was denied based on the 3-4 vote.

There was a five minute break at this time.

The meeting reconvened at 9:22pm.

ZONING

Leesburg Central – ZM 2003-06 – Christopher Murphy, Senior Planner

Mr. Murphy came forward and introduced Mr. Turner to take the floor.

James Turner, applicant for Leesburg Central, asked for a continuance of his application at this time. He is still working with the area residents and would like to have the time to better present a final product.

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This item will then be put on the agenda for February 19, 2004 provided that all of the changes have been finalized.

The citizens were thanked for attending and encouraged to remain a part of the process.

Chairman Vaughan stated at this point that the weather had deteriorated outside and that he would like to move to adjourn the meeting foregoing the remainder of the agenda items.

Susan Swift stated that she had two items that she needed to bring up. She has a report regarding the terms of the Commission members. The Mayor's appointee could be four years instead of two years and the appointments could be made so that terms do not necessarily run consecutively with the council members' term. This can be accomplished through a Code amendment.

Secondly, Centex submitted their plans for the Leesburg South project. The project proposes approximately 1300 mixed residential uses, 250,000 to 350,000 square feet of non residential. She invited the Commission to come in and review the plans.

Commissioner Kennedy thanked Susan Swift and her staff for bringing in the speaker, Mr. Ed McMahon. Several other Commission members also expressed their thanks and enthusiasm for the presentation.

ADJOURNMENT

The motion was made and seconded to adjourn the meeting at 9:34pm.

Prepared By:

Approved By:

Linda DeFranco, Commission Clerk

Cliff Vaughan, Chairman